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| ZHU, BO HUI ALVIN |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

| | | **Application No.** | **Applicant(s)** |
| --- | --- | --- | --- |
| ***Office Action Summary*** | | 09/891,103 | EYUBOGLU ET AL. |
| | | **Examiner** | **Art Unit** | |
| | | Bo Hui A. Zhu | 2616 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *11/20/2006*.

2a)☐ This action is **FINAL.**      2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *8,10-27,35-48 and 50-128* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8,10-27,35-48 and 50-128* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 101*

1.     35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.     Claims 96 – 98 and 113 – 120 are rejected under 35 U.S.C. 101 because the

claimed invention is directed to non-statutory subject matter.

Claims 96 – 98 and 113 – 120 are directed to program instructions stored in a

machine-readable medium.  A program instruction is a non-statutory subject matter

unless it is stored in a <u>computer-readable medium</u>.

### *Claim Rejections - 35 USC § 102*

3.     The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.     Claims 35, 50, 93, 99, 67, 79, 80 and 92 are rejected under 35 U.S.C. 102(b) as

being anticipated by ZIV. Noam, A. (WO 98/09460).

(1) with regard to claims 35, 50, 93, and 99:

Noam discloses a method and system, comprising: enabling many-to-many

communication among radio network controllers (BSCs, 12A – 12C and 22A – 22C in

Fig. 2) and radio nodes (BTSs, 14A – 14I and 24A – 24I in Fig. 2) through a packet

network (CIS, 26 in Fig. 2); establishing a first traffic channel between a first access

terminal and a first radio network controller of the network through a first radio node

when the first access terminal is in a coverage area of the first radio node (when remote

unit 34 is in the coverage area of a first radio node 14E, a first traffic channel between

the remote unit and a first radio network controller 12B is established through the first

radio node 14E); establishing a second traffic channel between a second access

terminal and a second radio network controller of the network through a second radio

node when the second access terminal is in a coverage area of the second radio node

(when the remote unit 34 or another remote unit is in the coverage area of a second

radio node for example 14A, a second traffic channel between the remote unit and a

second radio network controller 12A is established through the first radio node 14A);

maintaining the first traffic channel without requiring the first traffic channel to pass

through another radio network controller when the first access terminal moves from the

coverage area of the first radio node to any portion of the coverage area of the second

radio node (when a remote unit moves from the coverage area of 14E to the coverage

are of 14A, the remote unit can still be using 12B and no passing through of another

radio network controller; see page 6, line 5 – page 7, line 7).

(2) with regard to claims 67, 79, 80, and 92:

Noam discloses a method and system, comprising: simultaneously enabling a

radio node (14A on Fig. 2) serve both a first dormant access terminal (a remote terminal

that is inside the coverage area of 14A) and a second dormant access terminal (another

remote terminal inside the coverage area of 14A), the first access terminal having a

session with a first radio network controller (12A on Fig. 2) and the second access

terminal having a session with a second radio network controller(12B on Fig. 2; see

page 6, line 31 – page 7, line 7), the radio node being interconnected with the radio

network controllers using a packet network (26 on Fig. 2).


## *Claim Rejections - 35 USC § 103*

5.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.      Claims 102 and 121 are rejected under 35 U.S.C. 103(a) as being unpatentable

over ZIV. Noam, A. (WO 98/09460).

(1) with regard to claims 102 and 121:

Noam discloses a system and method, comprising: at a radio node in

communication with a first radio network controller (12A on Fig. 2) and a second radio

network controller (12B on Fig. 2) through a packet network (26 on Fig. 2) that enables

many-to-many communication, routing access channel packets received from an

access terminal (34 on Fig. 2) to a selected one of either the first radio network

controller or the second radio network controller.

Noam however does not teach using Internet protocol address for addressing

radio network controllers.

The Examiner takes Official Notice that the use of the Internet protocol and Internet protocol address is well known in the art and it would have been desirable to use it because it is readily accessible and widely used in the industry thus makes it cost effective to implement. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Internet protocol addresses.

7.      Claims 8, 10 – 27, 36 – 44, 48, 51 – 54, 56 – 66, 68 – 76, 78, 81 – 89, 91 – 95, 98, 100, 101, 103, 105 – 107, 109 – 113, 122 – 125 and 128 are rejected under 35 U.S.C. 103(a) as being unpatentable over ZIV. Noam, A. (WO 98/09460) in view of the admitted prior art (Fig. 1 and 2).

(1) with regard to claim 37, 95, 98 and 101:

Noam does not disclose sending an access channel message. The admitted prior art discloses sending an access channel message (page 5, lines 15 – 18). It would have been desirable to send an access channel message from the first access terminal to the first radio network controller through the second radio node because it would help establish connection between the access terminal and the radio network controller. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send an access channel message in the system of Noam.

(2) with regard to claim 38, 54, 70 and 83:

Noam does not disclose signaling between the first radio network controller and the second radio network controller. The admitted prior art teaches signaling between the first radio network controller and the second radio network controller (page 5, lines 3 – 18). It would have been desirable to use signaling between the first radio network

controller and the second radio network controller because it would make handoff

procedure between two radio network controller more efficient. Therefore, it would have

been obvious to on e of ordinary skill in the art at the time of the invention to use

signaling between two radio network controllers in the system of Noam.

(3) with regard to claims 39, 51, 71, 84, 56, 106 and 123:

Noam discloses using packet routing technique for routing packets, however,

does not teach using Internet protocol and Internet protocol address for routing packets.

The Examiner takes Official Notice that the use of the Internet protocol and Internet

protocol address for routing packets is well known in the art. It would have been

desirable to use the Internet protocol because it is well known and readily accessible in

the industry. Therefore, it would have been obvious to one of ordinary skill in the art at

the time of the invention to use the Internet protocol in the system of Noam.

(4) with regard to claims 40, 72, 85 and 103:

Noam does not disclose using a session identifier. The admitted prior art

teaches using a session identifier (Universal Access Terminal Identifier (UATI)). It

would have been desirable to use a session identifier because it would make the

handoff process more efficient. Therefore, it would have been obvious to one ordinary

skill in the art at the time of the invention to use a session identifier in the system of

Noam.

(5) with regard to claims 41, 18, 73, 86, 105 and 122:

Noam does not disclose storing in the second radio node information to map a

session identifier of the first access terminal to an Internet protocol address of the first

radio network controller, using the stored information at the second radio node to determine the Internet protocol address of the first radio network controller using a session identifier included in an access channel message received from the first access terminal. The admitted prior art teaches storing information to map a session identifier of the first access terminal to an Internet protocol address of the first radio network controller, using the stored information to determine the Internet protocol address of the first radio network controller using a session identifier included in an access channel message received from the first access terminal (Session/Mobility Manager, 52 and 53 on Fig. 2; see page 4 line 5 – page 6 line 15).

It would have been desirable to storing information to map a session identifier of the first access terminal to an Internet protocol address of the first radio network controller and using the stored information to determine the Internet protocol address of the first radio network controller using a session identifier included in an access channel message received from the first access terminal because it would make the handoff procedure of the access terminal efficient. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use this method in the system of Noam.

(6) with regard to claim 52:

Noam discloses each of the radio network controllers and each of the radio nodes are associated with a single subnetwork (see Fig. 2, each network controllers 12A – 12C and each radio nodes 14A – 14I are associated with a single subnetwork).

(7) with regard to claims 12 and 112:

Noam discloses traffic channel radio resourced are managed in the first and second radio nodes and the first or second radio network controller requests radio resources from the first or second radio node before adding any of its sectors to a traffic channel (since 14A can connect the remote terminals within its coverage area to 12A or 12B or 12C, it must be able to manage radio resource for the traffic, and the controller must be connected to 14A in order to set up a channel).

(8) with regard to claim 14:

Noam discloses the first session is transferred from the first radio network controller in one subnetwork to another radio network controller in another subnetwork based upon a predetermined criterion (12A and 14A – 14C is one subnetwork since 12A under normal circumstance supports 14A – 14C; 12B and 14D – 14F is another subnetwork).

(9) with regard to claim 15:

Noam discloses the session transfer is triggered by the first access terminal upon detection of a subnetwork change (when remote terminal 34 move from the coverage area of 12A to the coverage area of 12B or 12C).

(10) with regard to claim 16:

Noam discloses the session transfer is triggered by a radio network controller (in the case when the one controller has reached maximum capacity, another controller is used).

(11) with regard to claims 19, 20, 23 – 25, 88 and 89:

Noam does not disclose a RNC resource control agent. The admitted prior art discloses a RNC resource control agent (see page 5, line 3 – page 6, line 15). It would have been desirable to have a RNC resource control agent as taught by the admitted prior art because it would make the handoff procedure of the access terminal efficient. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use this method in the system of Noam.

(12) with regard to claims 26 and 27:

Noam does not disclose the radio network controllers include a PDSN function that includes Simple IP, Mobile IP and AAA client functions. The admitted prior art teaches a PDSN function that includes Simple IP, Mobile IP and AAA client functions (PDSN on Fig. 1 and 2). It would have been desirable to have a PDSN function because it provides efficient mobility management. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a PDSN function as taught by the admitted prior art in the system of Noam.

(13) with regard to claims 22, 43, 75, 107 and 124:

Noam disclose selecting the radio network controller based on at least on the loading of the first and second radio network controllers (page 6, lines 31 – 35).

(14) with regard to claims 21, 44, 76, 109, 125 and 128:

Noam discloses selecting the radio network controller based on at least on the routing distance between the radio node and the first and second radio network controllers (Fig. 1 and 2, the default controller for radio nodes 14A – 14C is 12A, for 14D – 14F is 12B, 14G – 14I is 12C, etc. based on routing distances).

(15) with regard to claims 36, 42, 48, 53, 57, 58, 59, 8, 13, 10, 11, 17, 60 – 66,

68, 69, 74, 78, 81, 82, 87, 91, 94, 100, 110, 111:

Noam discloses a method comprising: enabling many-to-many communication

among radio network controllers (BSCs, 12A – 12C and 22A – 22C in Fig. 2) and radio

nodes (BTSs, 14A – 14I and 24A – 24I in Fig. 2) through a packet network (CIS, 26 in

Fig. 2); establishing a first traffic channel between a first access terminal and a first

radio network controller of the network through a first radio node when the first access

terminal is in a coverage area of the first radio node (when remote unit 34 is in the

coverage area of a first radio node 14E, a first traffic channel between the remote unit

and a first radio network controller 12B is established through the first radio node 14E);

establishing a second traffic channel between a second access terminal and a second

radio network controller of the network through a second radio node when the second

access terminal is in a coverage area of the second radio node (when the remote unit

34 or another remote unit is in the coverage area of a second radio node for example

14A, a second traffic channel between the remote unit and a second radio network

controller 12A is established through the first radio node 14A); maintaining the first

traffic channel  without requiring the first traffic channel to pass through another radio

network controller when the first access terminal moves from the coverage area of the

first radio node to any portion of the coverage area of the second radio node (when a

remote unit moves from the coverage area of 14E to the coverage are of 14A, the

remote unit can still be using 12B and no passing through of another radio network

controller; see page 6, line 5 – page 7, line 7).

8.       Claims 45 – 47, 55, 77, 90, 104 and 127 are rejected under 35 U.S.C. 103(a) as

being unpatentable over ZIV. Noam, A. (WO 98/09460) in view of the admitted prior art

(Fig. 1 and 2) and further in view of Yucebay (US 5,983,282).

(1) with regard to claim 45:

Noam does not disclose employing a chassis-based hardware platform with

multiple server cards to implement each of the first and second radio network controller.

Yucebay teaches a chassis-based hardware platform with multiple server cards to

implement each of the first and second radio network controllers (column 10, lines 20 –

26).  It would have been desirable to have a chassis-based hardware platform with

multiple server cards to implement each of the first and second radio network controllers

because it would allow the controller to ability to support multiple networks.  Therefore, it

would have been obvious to one of ordinary skill in the art at the time of the invention to

use the teaching of Yucebay in the system of Noam.

(2) with regard to claim 46:

Noam does not disclose and routing incoming packets to server cards based on

session identifier using an I/O card.  The Examiner takes Official Notice that it is well

known in the art that any switch or router commonly used in the industry have the

functionality of routing incoming packets based on session identifiers using I/O cards

(line cards or router ports of the router).  It would have been desirable to route packets

based on session identifier using an I/O card because this method is readily accessible

and well known in the art.  Therefore, it would have been obvious to one of ordinary skill

in the art at the time of the invention to route incoming packets based on session

identifier using an I/O card in the system of Noam.

(3) with regard to claims 47, 55, 77, 90, 104 and 127:

Noam does not disclose the session identifier comprises 1xEV-DO UATI. The

admitted prior art teaches using 1xEV-DO UATI (page 2, line 27). It would have been

desirable to use 1xEV-DO because it is well known in the art and readily accessible

thus makes it cost effective. Therefore, it would have been obvious to one of ordinary

skill in the art at the time of the invention to use 1xEV-DO in the system of Noam.

9.      Claims 96, 97, and 113 are rejected under 35 U.S.C. 102(b) as being

unpatentable over ZIV. Noam, A. (WO 98/09460) in view of Langberg et al. (US

5,852,630).

(1) with regard to claims 96 and 97:

Noam discloses a method and system, comprising: enabling many-to-many

communication among radio network controllers (BSCs, 12A – 12C and 22A – 22C in

Fig. 2) and radio nodes (BTSs, 14A – 14I and 24A – 24I in Fig. 2) through a packet

network (CIS, 26 in Fig. 2); establishing a first traffic channel between a first access

terminal and a first radio network controller of the network through a first radio node

when the first access terminal is in a coverage area of the first radio node (when remote

unit 34 is in the coverage area of a first radio node 14E, a first traffic channel between

the remote unit and a first radio network controller 12B is established through the first

radio node 14E); establishing a second traffic channel between a second access

terminal and a second radio network controller of the network through a second radio

node when the second access terminal is in a coverage area of the second radio node (when the remote unit 34 or another remote unit is in the coverage area of a second radio node for example 14A, a second traffic channel between the remote unit and a second radio network controller 12A is established through the first radio node 14A); maintaining the first traffic channel without requiring the first traffic channel to pass through another radio network controller when the first access terminal moves from the coverage area of the first radio node to any portion of the coverage area of the second radio node (when a remote unit moves from the coverage area of 14E to the coverage are of 14A, the remote unit can still be using 12B and no passing through of another radio network controller; see page 6, line 5 – page 7, line 7).

Noam however does not teach using a computer-readable medium that stores executable instructions for performing the method above.

Langberg et al. teaches a method for a transceiver warm start activation procedure can be implemented in software stored in a computer-readable medium. The computer-readable medium is an electronic, magnetic, optical, or other physical device or means that can contain or store a computer program for use by or in connection with a computer-related system or method (column 3, lines 51-65). Using a computer readable medium with program instruction code would be desirable because it would perform the same function of using hardware but offer the advantage of less expense, adaptability and flexibility. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the limitation as taught by

Langberg et al. into the system of Noam so as to reduce cost and improve the adaptability and flexibility of the logic simulation.

(2) with regard to claims 113:

Noam discloses a system and method, comprising: at a radio node in communication with a first radio network controller (12A on Fig. 2) and a second radio network controller (12B on Fig. 2) through a packet network (26 on Fig. 2) that enables many-to-many communication, routing access channel packets received from an access terminal (34 on Fig. 2) to a selected one of either the first radio network controller or the second radio network controller.

Noam however does not teach using Internet protocol address for addressing radio network controllers; and using a computer-readable medium to perform the method above.

The Examiner takes Official Notice that the use of the Internet protocol and Internet protocol address is well known in the art and it would have been desirable to use it because it is readily accessible and widely used in the industry thus makes it cost effective to implement. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use Internet protocol addresses.

Langberg et al. teaches a method for a transceiver warm start activation procedure can be implemented in software stored in a computer-readable medium. The computer-readable medium is an electronic, magnetic, optical, or other physical device or means that can contain or store a computer program for use by or in connection with a computer-related system or method (column 3, lines 51-65). Using a computer

readable medium with program instruction code would be desirable because it would

perform the same function of·using hardware but offer the advantage of less expense,

adaptability and flexibility. Therefore, it would have been obvious to one of ordinary skill

in the art at the time the invention was made to include the limitation as taught by

Langberg et al. into the system of Noam so as to reduce cost and improve the

adaptability and flexibility of the logic simulation.

10.    Claims 108 and 126 are rejected under 35 U.S.C. 103(a) as being unpatentable

over ZIV. Noam, A. (WO 98/09460) in view of the admitted prior art (Fig. 1 and 2) and

further in view of Abrol et al. (US 2002/0068570).

        (1) with regard to claims 108 and 126:

Noam does not disclose using a 1xEV-DO Random Access Terminal Identifier.

However, Abrol et al. teaches using a random access terminal identifier (paragraph

[0055]). It would have been desirable to use a random access terminal identifier for

selecting a radio network controller because it would make the handoff process more

efficient. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to use a random access terminal identifier as taught by Abrol et al.

in the system of Noam.

11.    Claims 98 and 114 – 120 are rejected under 35 U.S.C. 103(a) as being

unpatentable over ZIV. Noam, A. (WO 98/09460) in view of Langberg et al. (US

5,852,630) and further in view of the admitted prior art (Fig. 1 and 2).

        (1) with regard to claim 98:

Noam does not disclose receiving an access channel message. The admitted prior art discloses receiving an access channel message (page 5, lines 15 – 18). It would have been desirable to receive an access channel message from the first access terminal to the first radio network controller through the second radio node because it would help establish connection between the access terminal and the radio network controller. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive an access channel message in the system of Noam.

(2) with regard to claim 114:

Noam discloses using packet routing technique for routing packets, however, does not teach using Internet protocol and Internet protocol address for routing packets. The Examiner takes Official Notice that the use of the Internet protocol and Internet protocol address for routing packets is well known in the art. It would have been desirable to use the Internet protocol because it is well known and readily accessible in the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the Internet protocol in the system of Noam.

(3) with regard to claim 115:

Noam does not disclose the session identifier comprises 1xEV-DO UATI. The admitted prior art teaches using 1xEV-DO UATI (page 2, line 27). It would have been desirable to use 1xEV-DO because it is well known in the art and readily accessible thus makes it cost effective. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use 1xEV-DO in the system of Noam.

(4) with regard to claim 116:

Noam does not disclose storing in the second radio node information to map a session identifier of the first access terminal to an Internet protocol address of the first radio network controller, using the stored information at the second radio node to determine the Internet protocol address of the first radio network controller using a session identifier included in an access channel message received from the first access terminal. The admitted prior art teaches storing information to map a session identifier of the first access terminal to an Internet protocol address of the first radio network controller, using the stored information to determine the Internet protocol address of the first radio network controller using a session identifier included in an access channel message received from the first access terminal (Session/Mobility Manager, 52 and 53 on Fig. 2; see page 4 line 5 – page 6 line 15).

It would have been desirable to storing information to map a session identifier of the first access terminal to an Internet protocol address of the first radio network controller and using the stored information to determine the Internet protocol address of the first radio network controller using a session identifier included in an access channel message received from the first access terminal because it would make the handoff procedure of the access terminal efficient. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use this method in the system of Noam.

(5) with regard to claim 117:

Noam discloses using packet routing technique for routing packets, however, does not teach using Internet protocol and Internet protocol address for routing packets.

The Examiner takes Official Notice that the use of the Internet protocol and Internet protocol address for routing packets is well known in the art. It would have been desirable to use the Internet protocol because it is well known and readily accessible in the industry. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the Internet protocol in the system of Noam.

(6) with regard to claim 118:

Noam disclose selecting the radio network controller based on at least on the loading of the first and second radio network controllers (page 6, lines 31 – 35)..

(7) with regard to claims 120:

Noam discloses selecting the radio network controller based on at least on the routing distance between the radio node and the first and second radio network controllers (Fig. 1 and 2, the default controller for radio nodes 14A – 14C is 12A, for 14D – 14F is 12B, 14G – 14I is 12C, etc. based on routing distances).

12.      Claim 119 is rejected under 35 U.S.C. 103(a) as being unpatentable over ZIV. Noam, A. (WO 98/09460) in view of Langberg et al. (US 5,852,630) and the admitted prior art (Fig. 1 and 2) and further in view of Abrol et al. (US 2002/0068570).

(1) with regard to claim 119:

Noam does not disclose using a 1xEV-DO Random Access Terminal Identifier. However, Abrol et al. teaches using a random access terminal identifier (paragraph [0055]). It would have been desirable to use a random access terminal identifier for selecting a radio network controller because it would make the handoff process more efficient. Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to use a random access terminal identifier as taught by Abrol et al.
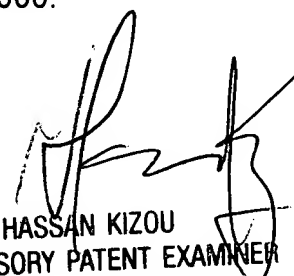
in the system of Noam.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bo Hui A. Zhu whose telephone number is (571)270-

1086.  The examiner can normally be reached on Mon-Thur 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hassan Kizou can be reached on (571)272-3088.  The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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